#### RICHARD R. WILSON, P.C.

Attorney at Law **A Professional Corporation** 127 Lexington Avenue, Suite 100 Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX rrwilson@atlanticbbn.net - Email www rrwilsonesq.com - Website

851 Twelfth Street Oakmont, PA 15139

2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

> ENTERED Office of Proceedings

APR 02 2008

Part of Public Record

March 20, 2008

The Honorable Anne Quinlan, Acting Secretary Surface Transportation Board 395 E Street, SW, Ste 1260 Washington, DC 20423-0001

221968

Docket No AB-1017X – West Shore Railroad Corporation Abandonment Exemption Mifflinburg Branch, Union and Northumberland Counties, PA and

Docket No. AB-1018X – Union County Industrial Railroad Company – 22/970 Discontinuance of Service Exemption- Mifflinburg Branch in Union County, PA

Dear Ms. Quinlan:

We enclose for filing in the above captioned proceedings, the signed original (unbound) and ten (10) bound copies of the following documents:

- 1 Joint Notice of Exemption of West Shore Railroad Corporation and Union County Industrial Railroad Company for the abandonment and discontinuance of service on the Mifflinburg Branch pursuant to 49 U.S.C §10502 and the Board's regulations at 49 C F R 1152 50; and
- A Joint Environmental and Historical Report pursuant to 49 C.F.R. §§1105.7 and 1105.8.

Since the Joint Exemption involves two directly related proceedings involving the same rail line, we are also enclosing separate checks issued on behalf of West Shore Railroad Corporation and Union County Industrial Railroad Company each in the amount of \$3,200 to cover the filling fee for each proceeding

Please direct any comments or requests for additional information concerning this matter to the undersigned. FILED

**FEE RECEIVED** 

APR - 1 2008

ひいがいしじ TRANSPORTATION BOARD APR -1 2008

SURFACE TRANSPORTATION BOARD Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self addressed, stamped envelope provided for that purpose.

Very truly yours,

RICHARD R WILSON, P.C.

Richard R. Wilson, Esq.

RRW/bab Enclosure

xc: All Parties of Record

Lewisburg Area Recreation Authority West Shore Railroad Corporation

Union County Industrial Railroad Company

Surface Transportation Board - Office of Proceedings

Surface Transportation Board – Section of Environmental Analysis

# Before the SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1017X

WEST SHORE RAILROAD CORPORATION - ABANDONMENT EXEMPTION - MIFFLINBURG BRANCH, UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

and

**DOCKET NO. AB-1018X** 

221970

UNION COUNTY INDUSTRIAL RAILROAD COMPANY –
DISCONTINUANCE OF SERVICE EXEMPTION –
MIFFLINBURG BRANCH IN
UNION COUNTY, PENNSYLVANIA

**JOINT NOTICE OF EXEMPTION** 

RICHARD R. WILSON, ESQ. Counsel for West Shore Railroad Corporation and Union County Industrial Railroad Company

RICHARD R. WILSON, P.C. 127 Lexington Avenuc, Suite 100 Altoona, PA 16601 (814) 944-5302 (814) 944-6978 FAX

March 20, 2008





#### DOCKET NO. AB-1017X

#### WEST SHORE RAILROAD CORPORATION - ABANDONMENT EXEMPTION - MIFFLINBURG BRANCH, UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

and

#### DOCKET NO. AB-1018X

# UNION COUNTY INDUSTRIAL RAILROAD COMPANY – DISCONTINUANCE OF SERVICE EXEMPTION – MIFFLINBURG BRANCH IN UNION COUNTY, PENNSYLVANIA

Office of Proceedings

APR 02 2008

Part of Public Record

#### JOINT NOTICE OF EXEMPTION

West Shore Railroad Corporation ("West Shore") and Union County Industrial Railroad Company ("UCIR") file this Joint Notice of Exemption pursuant to the Board's regulations at 49 C F.R 1152.50 This Joint Notice of Exemption is for West Shore's abandonment of the Mifflinburg Branch between Montandon, Northumberland County, Pennsylvania at M.P. 0.0 and extending in a generally westerly direction, crossing the West Branch of the Susquehanna River, through Lewisburg, Pennsylvania to the Borough of Mifflinburg, Pennsylvania ending at railroad M.P 11.8 in Union County, Pennsylvania. UCIR will discontinue its rail service in Union County between Lewisburg and Mifflinburg, PA A map showing the line is attached as Appendix A.

In accordance with the Board's regulations, joint applicants make the following responses

#### Response to 49 C F.R §1152.50(d)(2):

- 1. Proposed Consummation Date. Joint applicants intend to proceed with the proposed abandonment of this railroad line and consummate discontinuance of service on this line on or after the effective date of this Notice of Exemption. West Shore has agreed with Lewisburg Area Recreation Authority ("LARA") to the imposition of a Notice of Interim Trail Use incident to this abandonment proceeding and for the sale of the Mifflinburg Branch line to LARA conditioned on the Board's imposition of a Notice of Interim Trail Use in this proceeding
- 2. <u>Certification Required in §1152.50(b).</u> The required certification is set forth as Exhibit 1 to this Joint Notice of Exemption
  - 3. <u>Information Required in §1152.22(a)(1-4), (7), (8) and (e)(4).</u>
    - (a) General.
- and Union County Industrial Railroad Company.
- subject to 49 U.S.C. Subtitle IV, Chapter 105: West Shore is a non-operating common carrier railroad and holds title to the Mifflinburg Branch and other railroad properties which are subject to the provisions of Title 49, United States Code. UCIR is an operating common carrier railroad which operates the properties of West Shore and other rail line owners under the terms of an operating agreement and pursuant to STB operating authority issued in Finance Docket No. 32686 and STB Finance Docket No. 33330.

- (3) Whether the carriers which own or operate the line of railroad to be abandoned or over which service is to be discontinued is part of any railroad system: West Shore is not part of any other railroad system. UCIR is owned and operated by Richard D. Robey who also owns other short line railroad companies which are not operated as a unified railroad system.
- (4) Relief sought: West Shore seeks the imposition of a Notice of Interim Trail Use for the Mifflinburg Branch extending from Montandon, Pennsylvania to M P 11.8 at Mifflinburg, Pennsylvania so the line can be conveyed to LARA incident to this abandonment proceeding under the provisions of the National Trail Systems Act. UCIR seeks authority to discontinue service on the Mifflinburg Branch in Union County from Lewisburg to Mifflinburg, PA <sup>1</sup>
- (5) Name, title and address of representative of applicants to whom correspondence should be sent: Richard R. Wilson, Esq., 127 Lexington Avenue, Suite 100, Altoona, PA 16601, (814) 944-5302.

Applicants have filed this notice of exemption with the Board under the two year out of service provisions of 49 CFR 1152.50(b) and have not separately sought exemption from the offer of financial acceptance provisions of 49 U S C § 10904 However, in circumstances such as those present in this proceeding where the parties have agreed to use the right-of-way for an alternative valid public purpose and there is no overriding public need for continued rail service, the Board has exempted such transactions from the OFA requirements of 49 U S C § 10904 See Union Pacific Railroad Company-Abandonment Exemption-In Salt Lake County, UT, STB Docket No AB-33 (Sub-No 116X) (STB served Sept 30, 1998); K&E Railway Company-Abandonment Exemption-In Alfalfa, Garfield, and Grant Counties, OK and Barber County, KS, STB Docket No. AB-480X (STB served Dec 31, 1996), slip op at 4. citing Southern Pacific Transportation Company—Discontinuance of Service Exemption-In Los Angeles County, CA, Docket No AB-12 (Sub-No 172X), et al. (ICC served Dec. 23, 1994), Missouri Pacific Railroad Company-Abandonment-In Harris County, 1X, Docket No. AB-3 (Sub-No. 105X) (ICC served Dec 22, 1992), Chicago & North Western Transportation Company—Abandonment Exemption-In Blackhawk County, IA. Docket No AB-1 (Sub-No 226X), et al. (ICC served July 14, 1989), and Iowa Northern Railway Company-Abandonment-In Blackhawk County, IA, Docket No AB-284 (Sub-No 1X) (ICC served Apr. 1, 1988). Applicants note that exemption of this transaction from § 10904 would be consistent with the provisions of 49 CFR § 1152 50(b) and § 1152 50(d)(5) were the Board inclined to do so on its own motion

- proposed for abandonment and discontinuance of services transverses: The line in question passes through the following United States Postal Service zip codes: 17844, 17837, and 17847.
  - (b) Rural and Community Impact.
- abandoned and discontinued for service are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicants are aware of any restrictions on the title to the property, including any reversionary interest which would affect the transfer of title or the use of property for other than rail purposes, this should be disclosed:

The involved property is appropriate for public recreational trail use and as previously indicated, West Shore has entered into a conditional sale agreement with LARA under which the Mifflinburg Branch will be sold and conveyed by West Shore to LARA subject to a Notice of Interim Trail Use which West Shore and LARA request that the Board impose in this proceeding. The proposed use of the right of way for a recreational trail has broad community support as indicated by the letter to the Board from Congressman Christopher P. Carney (Exhibit 4). West Shore is not aware of any reversionary interests which would affect the transfer of title or the use of the property for recreational trail purposes incident to a Notice of

#### Interim Trail Use.2

- 4. Level of Labor Protection. West Shore is a nonoperating railroad common carrier and has no employees. UCIR is an operating railroad common carrier and will continue to provide rail service on the remaining rail lines operated for West Shore in Union County. Accordingly, this transaction will not result in the climination of any jobs by UCIR. Moreover, the Mifflinburg Branch has been out of service for more than two years and no active rail operations have been provided on the Branch by UCIR during that time
- 5. Certificate of Compliance with Notice Requirements of §1152.50(d)(1). The required certificate is set forth as Exhibit 2 to this Joint Notice of Exemption
- 6. Environmental and Historical Reports. Joint Environmental and Joint
  Historical Reports prepared in accordance with 49 C.F.R. §1105.7 are attached as Appendix
  B1 and B2 to this Joint Notice of Exemption. The Joint Environmental and Joint Historical
  Reports are filed with the Board's Section of Environmental Analysis contemporaneously
  herewith.

<sup>&</sup>lt;sup>2</sup> On February 11, 2008, the Borough of Mifflinburg, Pennsylvania, filed a letter with the Surface Transportation Board in which it stated that it "would like to plead for the reversion of this properly solely for the use for public transportation, utility conveyance, and other municipal infrastructure uses as may be necessitated by environmental conditions and enacted through action of the governing body of Mifflinburg." As the Board is aware, under the National Trails System Act, where, as here, rail parties have agreed to the imposition of a Notice of Interim Trail Use, and have arranged for the use of the railroad right of way for interim recreational trail purposes, reversionary interests such as those asserted by the Borough of Mifflinburg do not vest. Preseault v. ICC, 494 U.S 1, 110 S Ct 914 (1990), Burmer v. Pa Dept of linv. Res., 148 Cmwlth. 530, 611 A2d 1366 (1992) Nonetheless, Lewisburg Area Recreation Authority, as the party which will be responsible for interim trail use and maintenance of the railroad right of way wishes to advise the Board that it is willing to meet with the Borough of Mifflinburg and consider proposed uses of the railbanked right of way for compatible occupancies that would be consistent with interim recreational trail use and future reconversion of the railroad right of way for railroad purposes Since the Mifflinburg Branch will not be abandoned for purposes of 49 U S C §10903, but will remain part of the National Rail Transportation Network for future railroad use, the right of way will not be subject to state condemnation law, Hayfield Northern R Co v C&NW Tiansp Co, 467 U S 622, 104 S Ct 2610 (1984) and appropriate joint use for compatible occupancies would be a matter of private contractual arrangements between Mifflinburg Borough and Lewisburg Area Recreation Authority

7. <u>Verification</u> The required verification is set forth as Exhibit 3 to this Joint Notice of Exemption.

Respectfully submitted,

RICHARD R. WILSON, P.C.

Bv:

Richard R. Wilson, Esq,

West Shore Railroad Corporation and Union County Industrial Railroad

Dated: March 20, 2008

Certification Required in 49 C.F.R §1152 50(d)

In accordance with 49 C.F.R. §1152.50(d), I hereby certify that, with respect to the line

subject to the Joint Notice of Exemption in Docket Nos. AB-1017X and AB-1018X.

(1) No local traffic has moved over the line for at least two years prior to the date

hereof:

(2) There is no overhead traffic on the line; and

No formal complaint filed by a user of rail service on the line (or state or local (3)

government agency acting on behalf of such user) regarding cessation of service over the line

either is pending with the Board or any U.S. District Court or has been decided in favor of a

complainant within the two-year period prior to the date hereof

The foregoing certification is made on behalf of West Shore Railroad Corporation and

Union County Industrial Railroad, by the undersigned, and after due and careful investigation

of the matters herein certified and based on the best knowledge, information, and belief of the

undersigned.

Richard R. Wilson, Esq.

in Redden

Dated: March 20, 2008

8

Certification of Compliance with Notice Requirement of

(A) 49 C.F R. §1152.50(d)(1) and (B) 49 C.F.R. §1105.11

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby certify that:

(A) On January 24, 2008, I served, by U.S. First Class mail, postage prepaid, the

notice required by 49 C F.R. §1152.50(d)(1) upon the Public Utility Commission or equivalent

agency of the Commonwealth of Pennsylvania in which the line proposed for abandonment

and discontinuance of service in these dockets is situated and upon the Military Surface

Deployment and Distribution Command (formally the Military Traffic Management

Command) of the U.S. Department of Defense and other addressees as required by Board

regulations.

(B) On February 6, 2008, I served, by U.S. First Class mail, postage prepaid, the

notice required by 49 C.F.R. §1105 11 upon the designated agencies of the states in which the

line proposed for abandonment and discontinuance of service in these dockets is situated.

(C) On February 7, 2008, I had the appropriate newspaper notice set forth at 49

C.F R §1105.12 published in newspapers of general circulation in Union County and

Northumberland County, PA.

Richard R. Wilson, Esq.

Dated: March 20, 2008

9

#### <u>VERIFICATION</u>

COMMONWEALTH OF PENNSYLVANIA				
	•			
COUNTY OF BLAIR	·			

Richard R Wilson, being duly sworn, states that he is authorized to verify and file with the Surface Transportation Board the forgoing Joint Notice of Exemption in Docket No. AB-1017X on behalf of West Shore Railroad Corporation, and Union County Industrial Railroad Company; that he has carefully examine all of the statements in the Joint Notice of Exemption; and that he has knowledge of the facts and matters relied upon in that Joint Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.

Silane Relden

Sworn to and subscribed before me

this 25 day of March, 2008

Beth A. Burkarb

My Commission expires:

ONWEALTH OF PENNSYLVANIA

Beth A Burkhart, Notary Public City Of Altoona Blair County My Commission Expires Nov 14, 2007 Member Phinsylvania Association Of Notanes

#### CONGRESSIONAL LETTER OF SUPPORT

18149446978

CHRISTOPHER P. CARNEY 10TH DISTRICT, PENNSYLVANIA

416 CAMMON HOUSE OFFICE SUILDING WASHINGTON, DC 20515 (202) 228–3731



COMMITTEES HOMELAND SECURITY CHARRIAN SURCOMMITTEL C. MAYAGIMENT, INVESTIGATIO . . OWERSHAM

> TRANSPORTATION AND INFRASTRUCTURE

### Congress of the United States House of Representatives

**Washington, DC** 20515—3810

January 29, 2008

Vernon Williams Secretary of the Surface Transportation Board 395 E Street South West Washington, DC 20423-0001

Dear Mr. Williams,

This letter reflects my support of rail abandonment affecting track materials and right of way for a twelve mile stretch of railroad between Lewisburg and Mifflinburg, PA. The property is currently owned by the West Shore Railroad Corporation and is under an executed Agreement of Sale with the Board of Directors of the Lewisburg Area Recreation Authority.

This project will benefit Union County in a countless number of ways; from improving health, increasing tourism, increasing property values, to building a stronger sense of community. Please direct additional questions regarding this letter of support to Susan Mathias, my Regional Coordinator, at 570-687-4490.

Member of Congress

CC/SM

Z33 NORTHERN BOULEVARD SUITE 4 MIKE SUMMET, PA 15411 (\$70) 585-8988

175 POUR STREET Surre 102 LIAMSPORT, PA 17701 (570) 327-1902

PROKITED ON RECYCLED PAPER

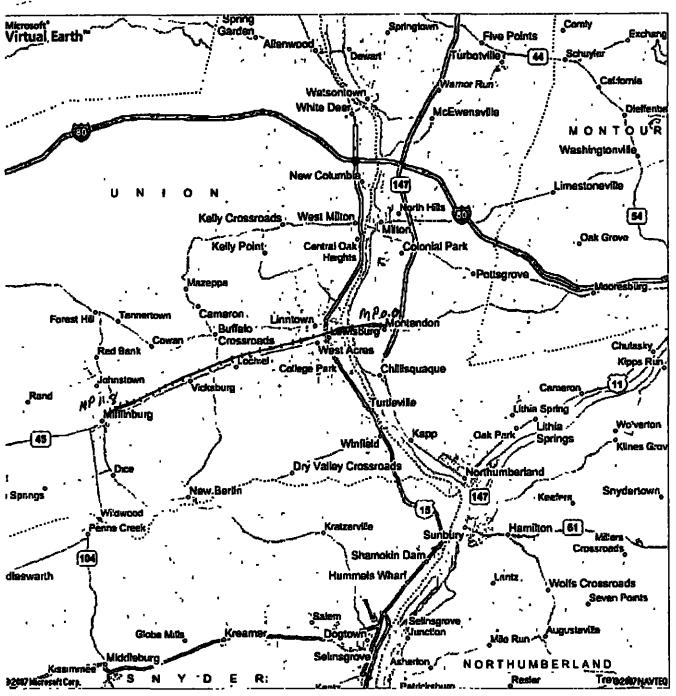
P.O Box 597 |AMORIN, PA 17672 |570] 644-1682

Exhibit 4

#### APPENDIX A

MAP

# **S** Live Search Maps



### APPENDIX B

# JOINT ENVIRONMENTAL AND HISTORICAL REPORT

# Before the SURFACE TRANSPORTATION BOARD

#### DOCKET NO. AB-1017X

#### WEST SHORE RAILROAD CORPORATION - ABANDONMENT EXEMPTION - MIFFLINBURG BRANCH, UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

and

#### DOCKET NO. AB- 1018X

UNION COUNTY INDUSTRIAL RAILROAD COMPANY –
DISCONTINUANCE OF SERVICE EXEMPTION –
MIFFLINBURG BRANCH IN
UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

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RICHARD R. WILSON, ESQ Counsel for West Shore Railroad Corporation and Union County Industrial Railroad Company

RICHARD R WILSON, P.C. 127 Lexington Avenue Suite 100 Altoona, PA 16601 (814) 944-5302 (814) 944-6978 FAX

February 6, 2008

# Before the SURFACE TRANSPORTATION BOARD

#### DOCKET NO. AB-1017X

#### WEST SHORE RAILROAD CORPORATION - ABANDONMENT EXEMPTION - MIFFLINBURG BRANCH, UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

and

#### DOCKET NO. AB-1018X

UNION COUNTY INDUSTRIAL RAILROAD COMPANY –
DISCONTINUANCE OF SERVICE EXEMPTION –
MIFFLINBURG BRANCH IN
UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

#### JOINT HISTORICAL REPORT

Pursuant to a Joint Notice of Exemption to be filed under 49 C.F.R. Part 1152.50, West Shore Railroad Corporation ("West Shore") proposes to abandon and Union County Industrial Railroad Company ("Union County") proposes to discontinue service over approximately 11 8 miles of rail line between Montandon, Pennsylvania and Mifflinburg. Pennsylvania comprising the Mifflinburg branch. The sections of this Historical Report are numbered in the same sequence as the information requests set forth in 49 C.F.R. Part 1105 8 Also enclosed is an exchange of correspondence with the Pennsylvania Historical and Museum Commission concerning the statutes of the Susquehanna River Bridge as a part of the Lewisburg. PA Historical District (Exhibit 3)

#### Contents Required by 49 U.S.C. §1105 8(d)

(1) Map A U.S.G.S. topographical map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action, and the locations and approximate dimensions of railroad

structures that are 50 years old or older and are part of the proposed action

A scaled map of the subject line is attached hereto as <u>Exhibit 1</u> There is only one railroad structure, a standard single track steel box truss bridge constructed on stone pillars across the Susquehanna River, which is 50 years old or older. This structure has been photographed and preserved in connection with its inclusion in the Lewisburg, PA Historical District.

(2) <u>Description of the Right-of-Way</u> A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

The subject line is a single track line extending from Montandon, Northumberland County, Pennsylvania across the Susquehanna River, through Lewisburg, Pennsylvania to Mifflinburg, Pennsylvania in Union County, Pennsylvania. The underlying right of way is approximately 66 feet in width and is 11.8 miles in length. The line runs generally in a westerly direction from Montandon, Pennsylvania to Mifflinburg, Pennsylvania through flat, rural farm land and through the communities of Lewisburg and Mifflinburg. Pennsylvania

(3) Photographs of Structures Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediate surrounding area.

Photographs of the single track steel truss Susquehanna River Bridge are available at <a href="https://www.roadsites.org">www.roadsites.org</a> as forth at Exhibit 2.

(4) <u>Date(s) of Construction</u>. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

The line was constructed in 1853.

(5) <u>History of Operations.</u> A brief narrative history of carrier operations in the

<sup>&</sup>lt;sup>1</sup> Aerial photographs and topographical maps of the U.S. Geological Survey are available for this line at www.terraserver-usa.com

area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The railroad right of way was originally established and incorporated as the Lewisburg, Centre and Spruce Creek Railroad Company in 1853. The subject line was constructed by the Pennsylvania Railroad as was known as the Lewisburg and Tyrone branch which connected with the Bellefonte Central Railroad at White (M.P. 37.4) near Pleasant Gap, and extended 63 miles east to Montandon and a junction with the Pennsylvania Railroad's Harrisburg/Buffalo line Portions of the rail line were abandoned by the Pennsylvania Railroad and/or Conrail west of Mifflinburg and the remaining portion of the Mifflinburg Branch from Mifflinburg to Montandon was sold pursuant to the Final System Plan by Penn Central Transportation Company, debtor, to Consolidated Rail Corporation on March 30, 1976 The line was then sold and conveyed to West Shore Railroad Corporation by Consolidated Rail Corporation on December 8, 1983 at 75% of its net liquidation value pursuant to the provisions of the Northeast Rail Service Act in ICC Abandonment Docket No. AB167 (Sub No. 298N) Conrail Abandonment Between Montandon Junction and Mifflinburg, PA Certificates of Decision dated June 8, 1982, service date June 11, 1982.

No traffic has originated or terminated on the Mifflinburg branch for at least two

(2) years There is no prospect of future rail traffic sufficient to support needed track
repairs and maintenance.

(6) <u>Documents in Possession of Carrier</u>. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful I documenting a structure that is found to be historic.

West Shore Railroad Corporation does not have any such documents in its possession, other than deeds and valuation maps for the line.

(7) <u>Historic Structures.</u> An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F R. 60 4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Preservation Office, local historical societies or universities).

The Susquehanna River Bridge is the only historic structure on the line and it has been included as part of the Lewisburg. PA Historic District which was placed on the National Register of Historic Places in 2004. To the best of applicants' knowledge, information and belief, there is little likelihood that there are archeological resources or any other previously unknown historic properties within the railroad right of way. These opinions are based on applicants' knowledge of the line and information obtained by West Shore from Conrail.

(8) Conditions Affecting Recovery of Resources. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surround terrain

To the best of applicants' knowledge, information and belief, there are no known prior subsurface ground disturbances or fill, or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources.

Respectfully submitted,

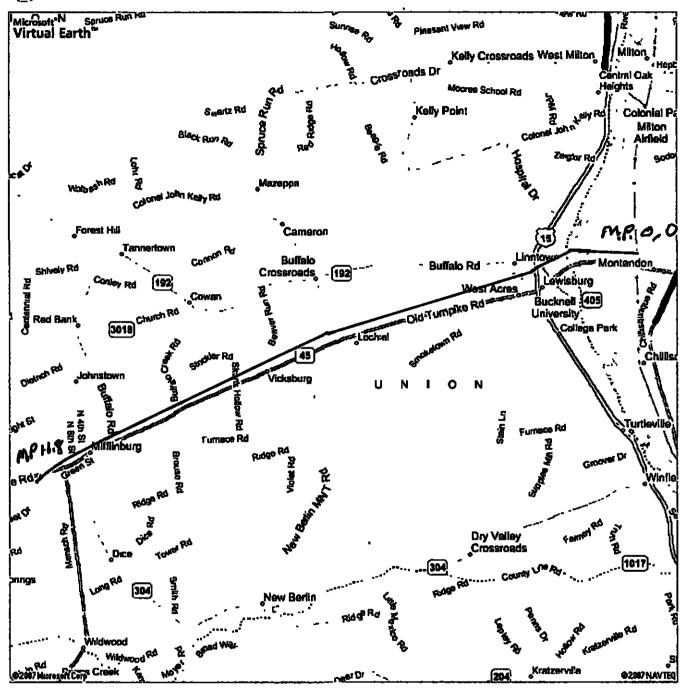
RICHARD R. WILSON, P.C.

Du

Richard R. Wilson, Esq. Attorney for West Shore

Railroad Company

## ( Live Search Maps

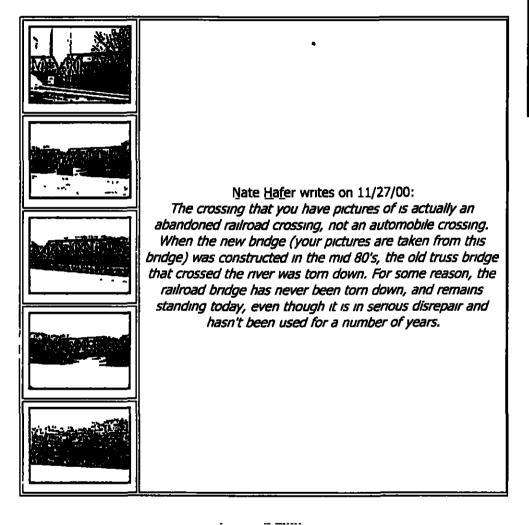


ONEHALF INCH = I MILE

#### Abandoned Railroad Bridge near Lewisburg

Vidcaps taken by Alex Nitzman/Cary B. Todd 12/23/93

This abandoned truss bridge was just north of the current Pennsylvania 45 crossing. The bridge crosses the Susquehanna River and connects the towns of Lewisburg and Montandon in the northern Susquehanna Valley of north-central Pennsylvania. Since this video is over 6 years old, it's possible that the structure may have been removed.



### The Lost Highway

- Home
- <u>Updates</u>
- Purpose
- Links
- Contact
- RoadSites.org
- AARoadtrips com
- Andy's Highway Kickoff
- AARoads
- KentuckyRoads.com

The Lost Highway is copyright © 2005 by Jeffrey Carlyle All photographers retain rights to their photographs. The Lost Highway was originally developed by Andy Field and Alex Nitzman for AARoads



# Commonwealth of Pennsylvania Pennsylvania Historical and Museum Commission Bureau for Historic Preservation

Commonwealth Keystone Building, 2<sup>nd</sup> Floor 400 North Street Harrisburg, PA 17120-0093 www.phmc.state pa us

January 3, 2008

Richard R. Wilson, Esq. 127 Lexington Avenue, Suite 100 Altoona, PA 16601

TO EXPEDITE REVIEW USE BHP REFERENCE NUMBER

Re: ER 08-0539-042-A

STB Docket AB 1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket AB-1018X Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

Dear Mr. Wilson:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources

Your request does not include sufficient information. We are unable to proceed with our review for historic structures until the information on the attached form is provided.

If you need further information in this matter please consult Susan Zacher at (717) 783-9920.

Sincerely,

Douglas C. McLearen, Chief Division of Archaeology &

Duson Zacher for

Protection

cc: STB DCM/smz\*

Exhibit 3

#### RICHARD R. WILSON, P.C.

Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX rrwilson@atlanticbbn.net - Email www.rrwilsonesq.com - Website Of Counsel to: Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

1

851 Twelfth Street Oakmont, PA 15139

January 9, 2008

Ms Susan Zacher
Division of Archaeology & Protection
Pennsylvania Historical & Museum Commission
Bureau of Historic Preservation
Commonwealth Keystone Bldg, 2d Floor
400 North Street
Harrisburg, PA 17120-0093

Re: ER 98-0539-042-A

STB Docket AB 1017X West Shore Railroad Corporation- Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties,

Pennsylvania and Docket AB-1018X Union County Industrial Railroad Company

Discontinuance of Service Exemption-Mifflinburg Branch in Union and

Northumberland Counties, Pennsylvania

#### Dear Ms Zacher:

We are in receipt of your letter of January 3, 2008 requesting additional information concerning historic structures located on the Mifflinburg Branch which is the subject of the above captioned abandonment and discontinuance of service proceeding. Further review of this matter, reveals that on March 16, 2004 the Pennsylvania Historic Preservation Board reviewed and submitted a National Historic Register nomination for the Lewisburg Historic District which specifically included the Pennsylvania Railroad Bridge spanning the West Branch of the Susquehanna River including the abutments and portions of the bridge falling within West Chillisquaque Township, Northumberland County.(Attachment 1) On July 28, 2004, the Lewisburg Historic District was added to the National Register of Historic Places.(Attachment 2) Accordingly, the Pennsylvania Railroad Bridge spanning the West Branch of the Susquehanna River which will be acquired from West Shore Railroad Company by Lewisburg Area Recreation Authority is already a part of the Lewisburg Historic District for which full documentation was compiled as part of the original nomination process for National Historic Register status.

Susan Zacher January 9, 2008 Page 2

Not withstanding that fact, we have enclosed for your reference several photographs available at <a href="www-roadsites.org">www-roadsites.org</a> depicting the Pennsylvania Railroad Bridge as photographed from the State Route 45 Highway Bridge crossing the West Bank of the Susquehanna River.

Also enclosed you will find the additional historical information for the balance of the line provided on the forms you have designated.

We hope this will satisfy your request for additional information.

Very truly yours,

RICHARD R. WILSON, P.C.

Richard R. Wilson, Esq.

Attorney for West Shore Railroad Corp and

Union County Industrial Railroad Co

RRW/bab Enclosure.

xc Lewisburg Area Recreation Authority
West Shore Railroad Corporation
Union County Industrial Railroad Company



### **NOTICES**

# HISTORICAL AND MUSEUM COMMISSION

#### National Register Nominations to be Reviewed by the Historic Preservation Board

[34 Pa.B. 1296]

The Historic Preservation Board (Board) will hold a meeting on March 16, 2004, at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

#### Ridge and Valley

1. Lewisburg Historic District, roughly bounded by U. S. 15, Beck Street, Susquehanna River and borough boundary, Lewisburg, Union County, but including the Pennsylvania Railroad bridge spanning the West Branch of the Susquehanna River including the abutments and portion of the bridge falling within West Chillisquaque Township, Northumberland County

#### Allegheny Plateau

- 2. Athens Historic District, roughly bounded by Elm and Locust Streets, 772 South Main Street, the Chemung and Susquehanna Rivers, Athens, Bradford County
- 3. Shenango Land Plan Historic District, Shenango Boulevard and Park Avenue intersected by Buhl Terrace, Roemer Street and Farrell Terrace, Farrell, Mercer County.

#### Southwestern Pennsylvania

4. Teutonia Maennerchor Hall, 857 Phineas Street, Pittsburgh, Allegheny County.

#### **Anthracite Region and Poconos**

- 5. Allentown Masonic Temple, 1524 West Linden Street, Allentown, Lehigh County.
- 6. Bethlehem Steel Lehigh Plant Mill #2 Annex, 11 West 2nd Street, Bethlehem, Northampton County.

#### **Great Valley and Piedmont Region**

- 7. West Side Sanitarium, 1253-1261 West Market Street, West York Borough, York County.
- 8 Pennsylvania Railroad GG1 Streamlined Electric Locomotive #4859, Track 5, Harrisburg

Attachment

Transportation Center, Aberdeen Street, Harrisburg, Dauphin County.

9 Thomas Mill and Miller's House, 130 West Lincoln Highway (Exton), West Whiteland Township, Chester County.

BARBARA FRANCO, Executive Director

[Pa.B. Doc. No. 04-343. Filed for public inspection February 27, 2004, 9:00 a.m.]

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State Listings / Historic Districts

Travel Sites /\Vacant/Not In Use

#### **PENNSYLVANIA - Union County - Historic Districts**

**Lewisburg Historic District** 

(added 2004 - Union County - #04000759)

Roughly bounded by US 15, Beck St., Susquehanna River and Borough boundary, Lewisburg

(2600 acres, 853 buildings, 11 structures, 2 objects)

Historic Significance Event, Architecture/Engineering

Architect, builder, or engineer et al., Ackerman & Partridge

Architectural Style Italianate, Greek Revival

Area of Significance Education, Commerce, Architecture. Politics/Government

Period of Significance 1750-1799, 1800-1824, 1825-1849, 1850-1874, 1875-1899.

1900-1924, 1925-1949, 1950-1974

Owner. Private . Local Gov't , Federal

Historic Function Commerce/Trade, Domestic, Education, Government,

Industry/Processing/Extraction, Religion

Historic Sub-function Business, College, Courthouse, Manufacturing Facility,

Religious Structure, Secondary Structure Single Dwelling

Current Function Commerce/Trade, Domestic, Education. Government,

Religion

Current Sub-function Business, College, Courthouse, Religious Structure.

Secondary Structure, Single Dwelling, Specialty Store

Mifflinburg Historic District \*\*

(added 1980 - Union County - #80003643)

PA 45. Mifflinburg

(550 acres, 218 buildings)

Historic Significance. Architecture/Engineering, Event

Architect, builder, or engineer Boop Joseph, Palmer.Lewis

Architectural Style Late Victorian, Mid 19th Century Revival, Late 19th And

20th Century Revivals

Area of Significance Architecture, Transportation. Industry, Commerce

Period of Significance 1750-1799, 1800-1824, 1825-1849, 1850-1874, 1875-1899.

1900-1924

Owner Private, Local Gov't

Historic Function: Commerce/Trade, Domestic

Current Function Commerce/Trade, Domestic

### Return to Top

Select a Different PENNSYLVANIA County (<u>map</u>) <u>Adams Allegheny Beaver Bedford Berks Blair</u>
<u>Bradford Bucks Butler Cambria Carbon Centre Chester Clarion Clearfield Clinton Columbia Crawford Cumberland Dauphin Delaware Elk Eric Fayette Forest Franklin Fulton Greene Huntingdon Indiana Jefferson Lackawanna</u>

Attachment 2

#### 89B

<u>Updated 3/18/2002</u>

#### PENNSYLVANIA HISTORIC RESOURCE SURVEY FORM - DATA SHEET

Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation

Tax Parcel/Other No.:  2 Northumberland  2 Mifflinburg, PA  mpany  —— Public-state —— Public-federal  X Site —— Structure —— Object  This Form:
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#### PENNSYLVANIA HISTORIC RESOURCE SURVEY FORM - NARRATIVE SHEET 89C Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation HISTORICAL INFORMATION 1853 Year Built: C. to\_ Additions/Alterations: C. \_\_\_\_\_ C. \_\_\_\_ Basis for Dating: X Documentary \_\_\_\_\_ Physical Explain: Article of Incorporation of initial railroad, acquisition deeds Cultural/Ethnic Affiliation: 1. NA..... \_\_\_\_\_ 2, \_\_\_\_\_\_ \_\_\_\_\_ 2. \_\_\_\_\_· Associated Individuals: 1. William Cameron 1. \_\_\_\_\_ 2. \_\_\_\_ Associated Events: \_ 2. \_\_\_\_ Architects/Engineers: 1. \_ 1 Lewisburg Centre & Spruce 2 \_ Builders: Creek Railroad MAJOR BIBLIOGRAPHICAL REFERENCES PREVIOUS SURVEY, DETERMINATIONS None EVALUATION (Survey Director/Consultants Only) \_X Yes \_\_\_ No Context[s]: \_ Individual NR Potential: Contributes to a Potential District: X\_\_\_ Yes \_\_\_\_ No District Name/Status: \_\_\_\_ Explain: The Pennsylvania Railroad Bridge is already part of the Lewisburg, PA Historical District THREATS Threats: \_\_\_\_ 1 None 2 Public Development 3 Private Development 5 Other 4 Neglect Explain: SURVEYOR INFORMATION Surveyor Name/Title: N/A Date: Project Name: Organization Telephone: Street and No.:

City, State:

Additional Survey Documentation:

Associated Survey Codes:

Zip Code:

Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation				
Survey Code:	Tax Parcel/Other No.:			
County:				
Address:				
Historic Name/Other Name: Mifflinburg				
PHYSICAL DESCRIPTION:				

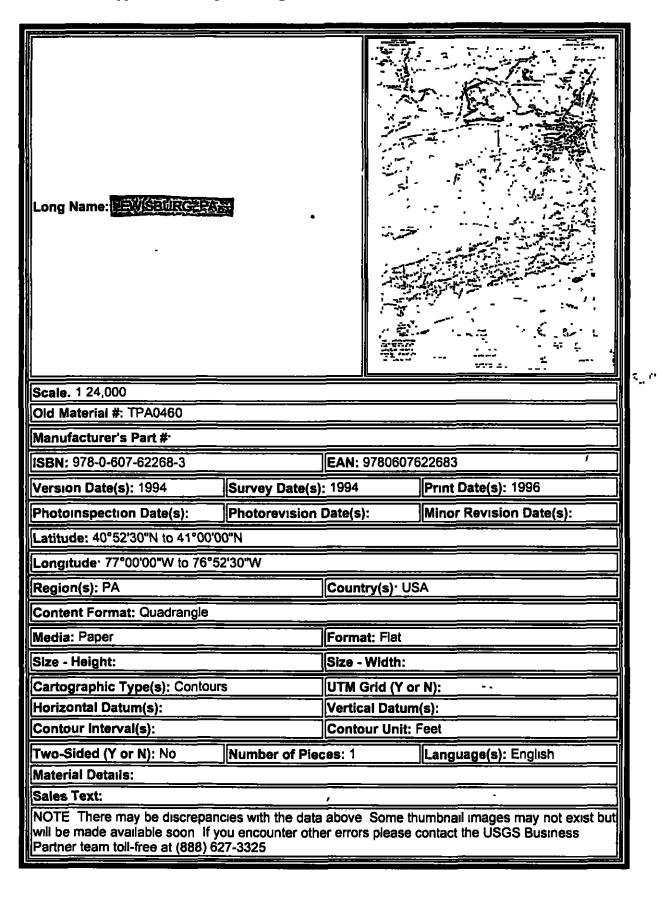
See attached STB Historical Report

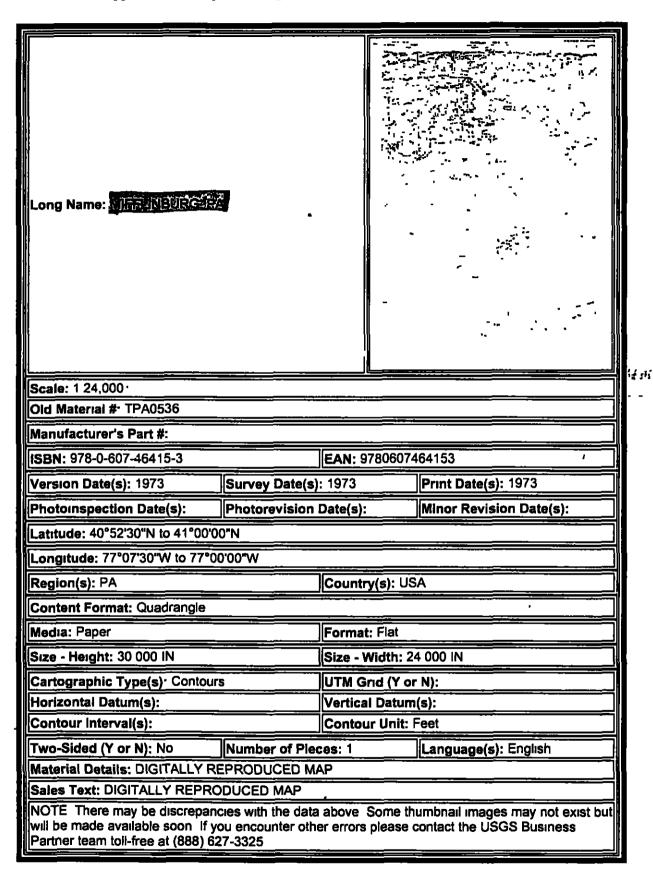
PENNSYLVANIA HISTORIC RESOURCE SURVEY FORM - NARRATIVE SHEET	89C
Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation	<u> </u>

Historic Name/Other Name: Mifflinburg Branch
HISTORICAL NARRATIVE:

See Attached STB Historical Report

#### PENNSYLVANIA HISTORIC RESOURCE SURVEY FORM - PHOTO/SITE PLAN SHEET 894 Pennsylvania Historical and Museum Commission **Bureau of Historic Preservation** Commonwealth Keystone Building, 2nd Floor 400 North Street, Harrisburg, PA 17120-0093 County: Union/Northumberland Survey Code/Tax Parcel/Other No.. Municipality: Address: Historic Name/Other Name: Mifflinburg Branch SITE PLAN PHOTO INFORMATION Attach Photo Here See Attached USGS Maps See Attached Photos Direction Description of View of Camera Number View from St. Rt. 45 Bridge View from St. Rt. 45 Bridge North North View from St. Rt. 45 Bridge NOrth 45 Bridge View from St. Rt. North Photographer Name: Date Negative Location:





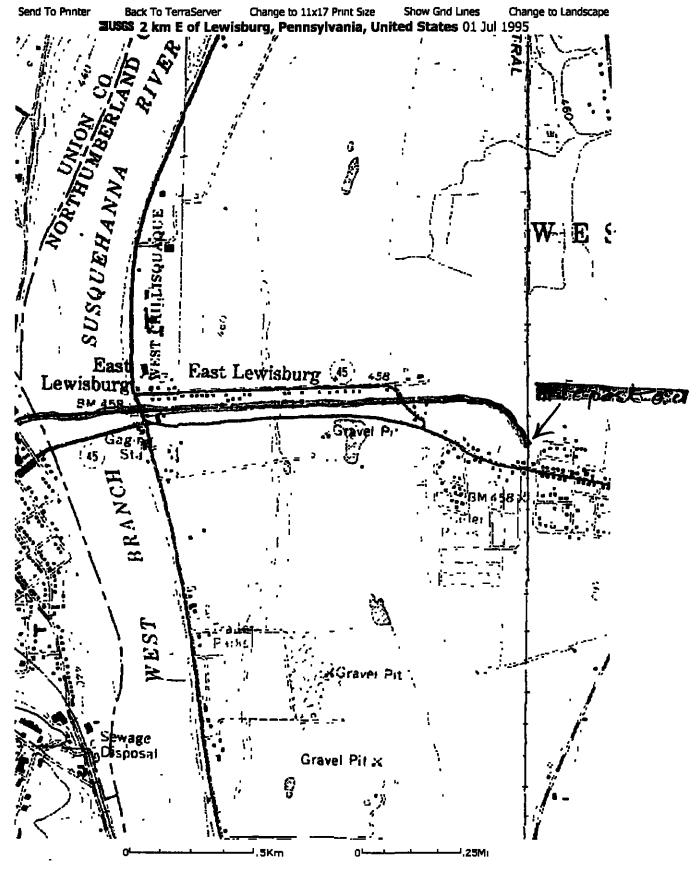


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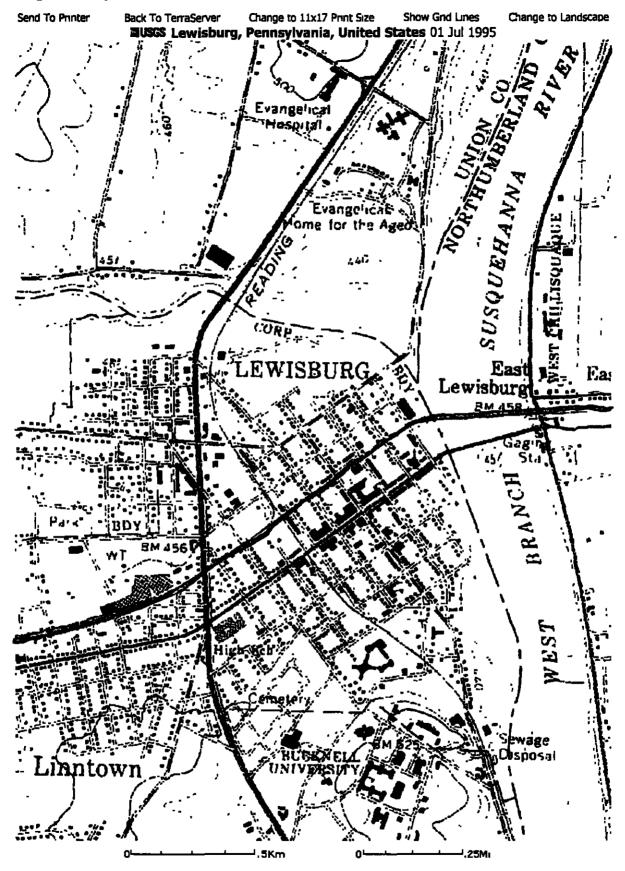
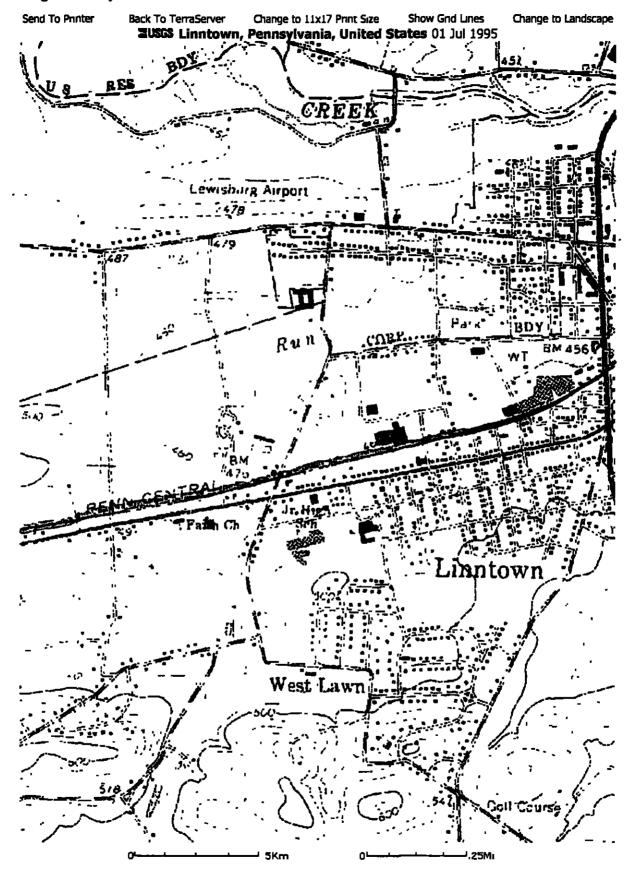


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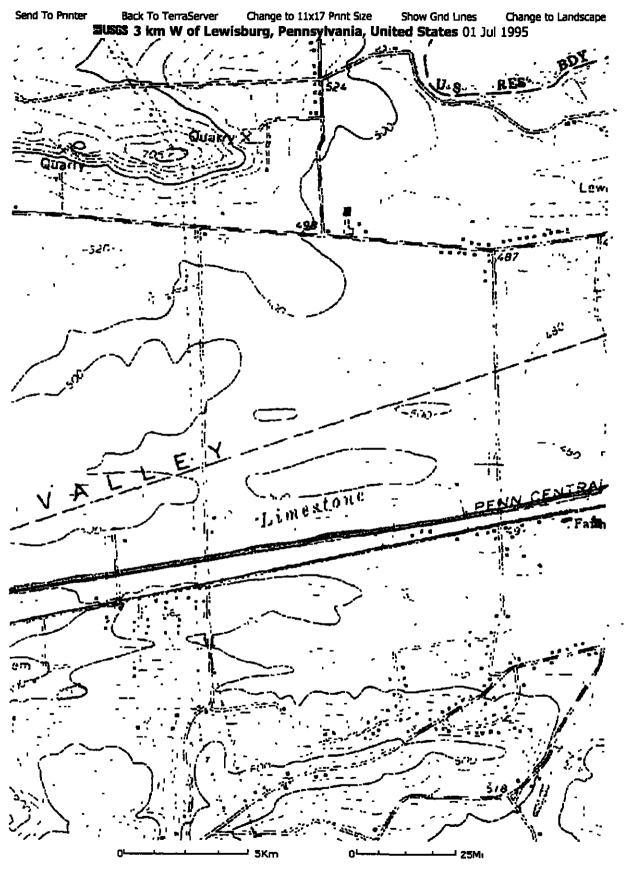


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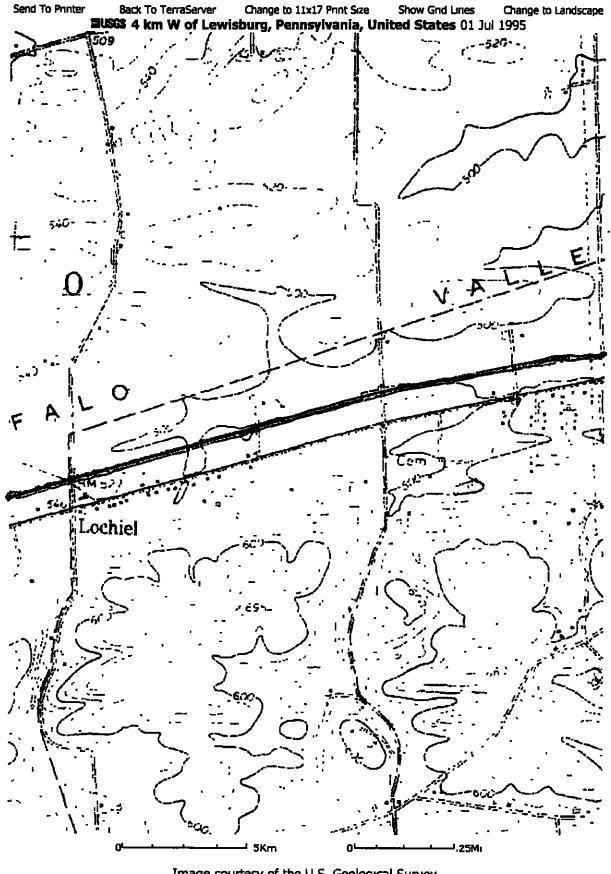


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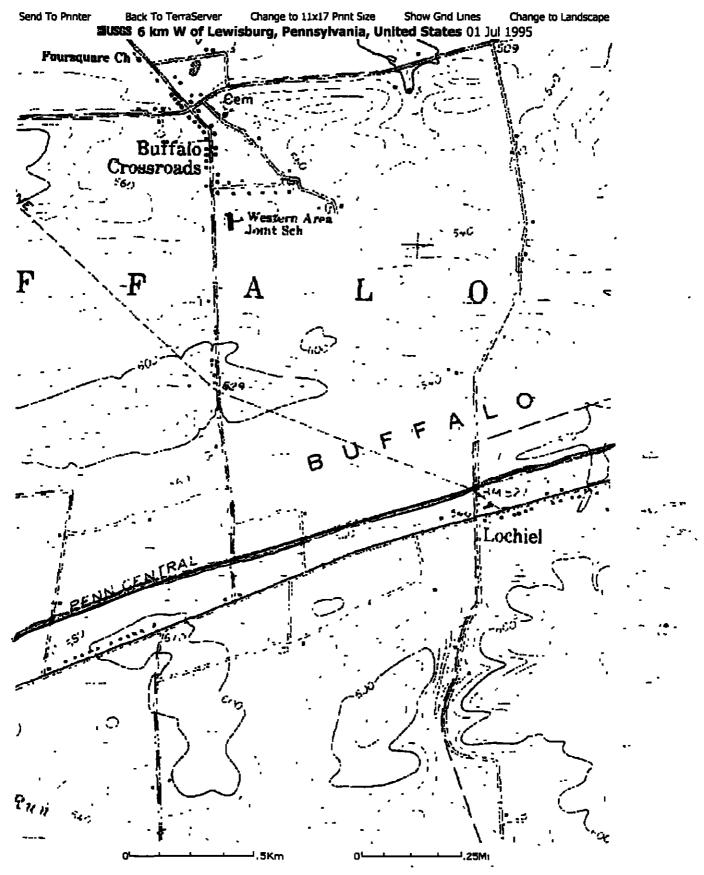


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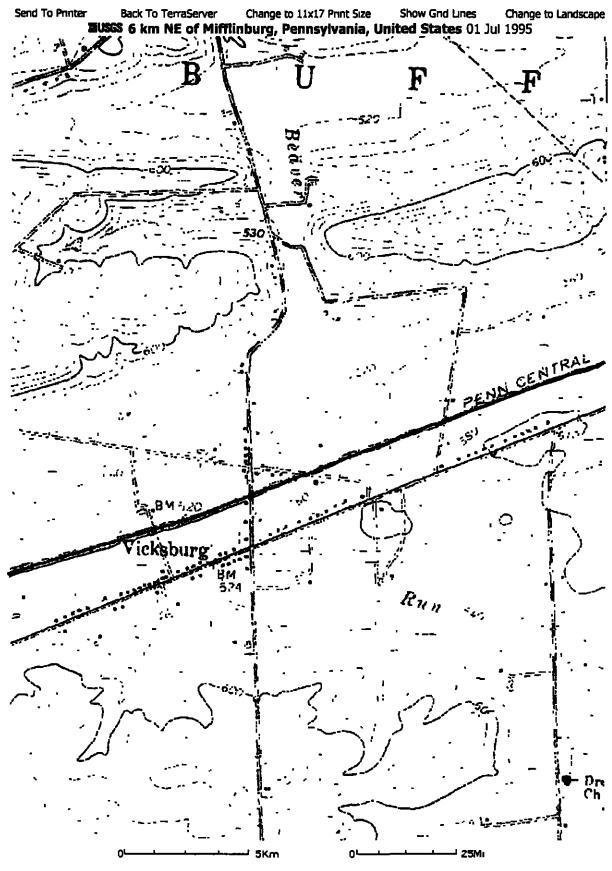


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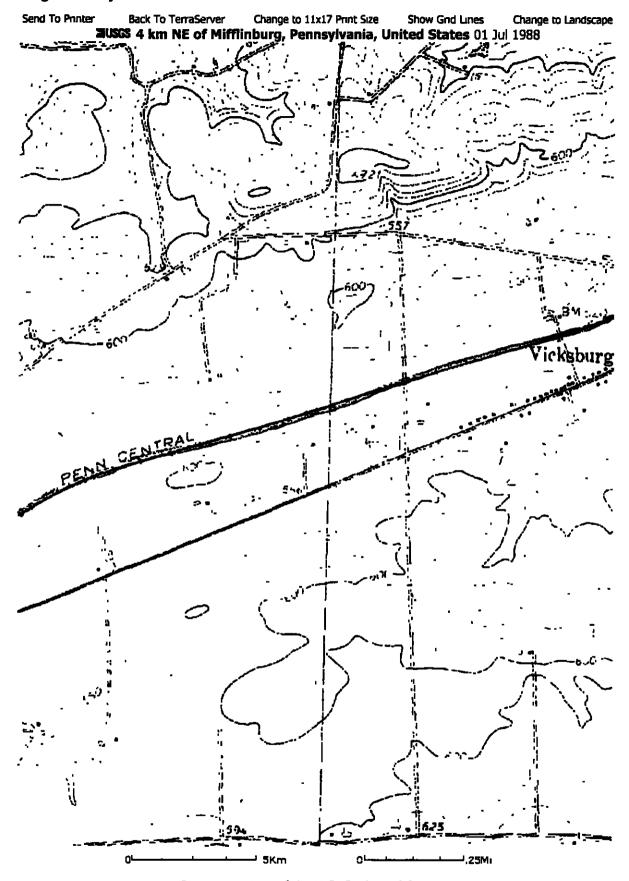


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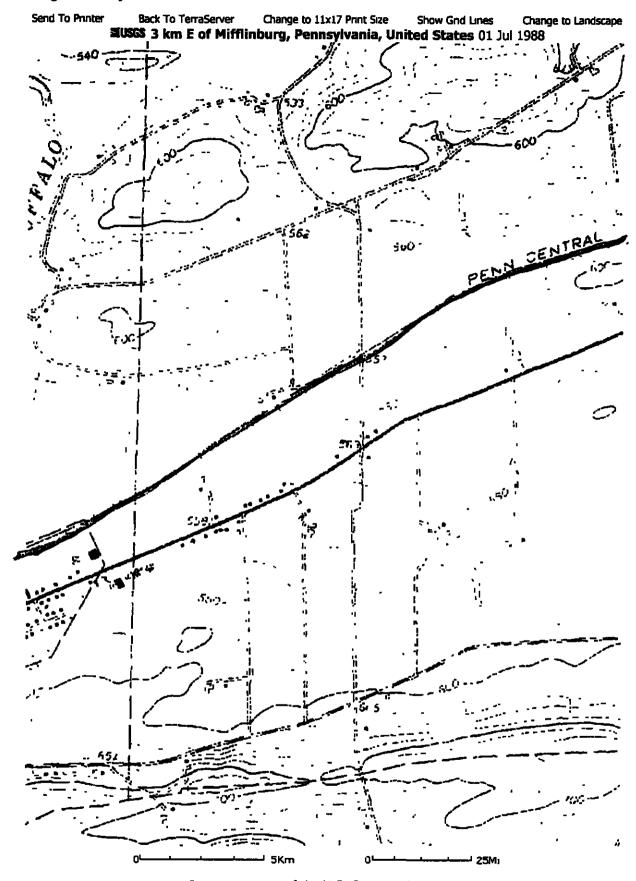


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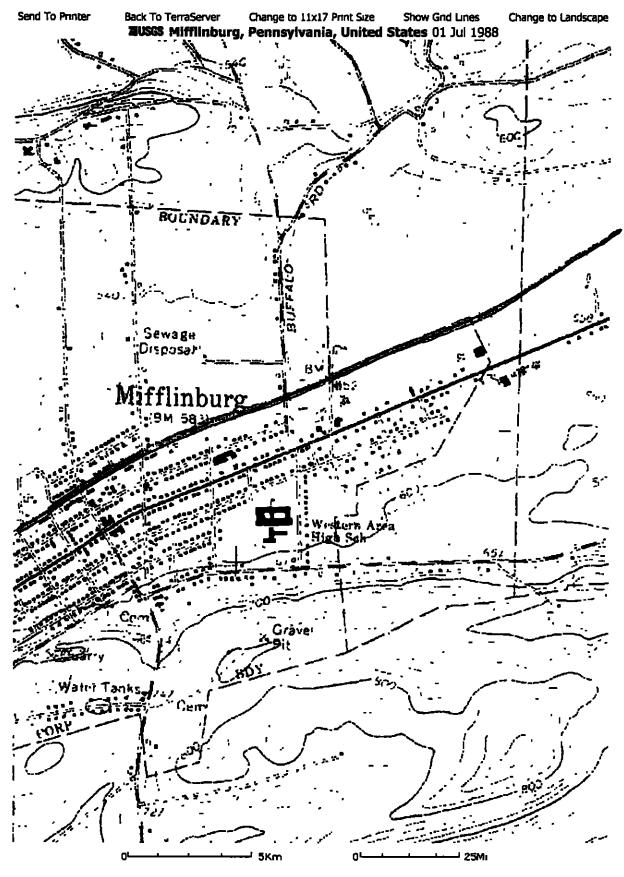


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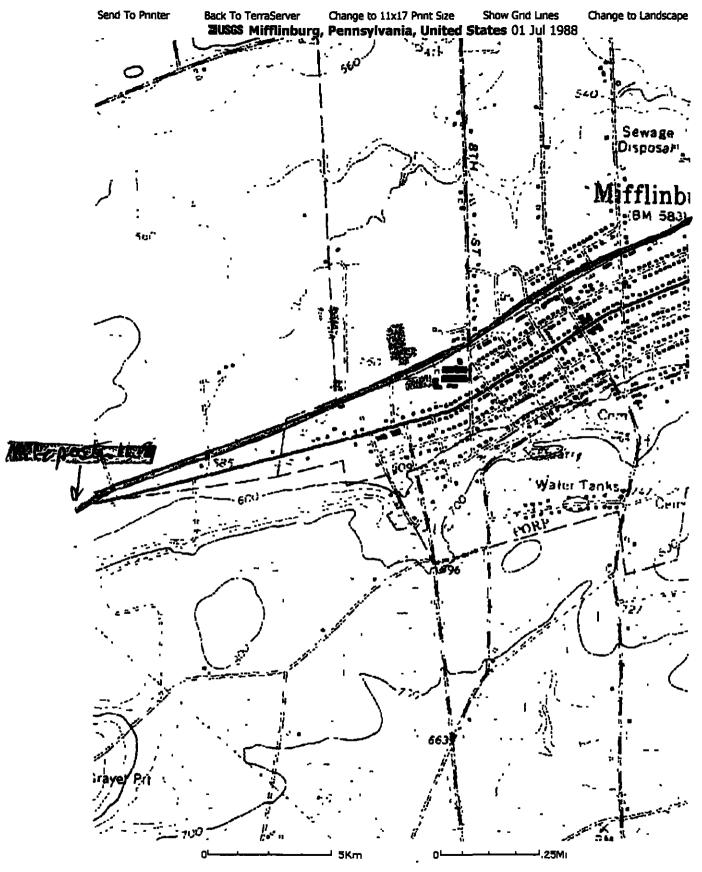


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#### **CERTIFICATE OF SERVICE**

Richard R Wilson hereby certifies that on this 6<sup>th</sup> day of February, 2008 he did a serve a true and correct copy of the foregoing Joint Historical Report upon the following by first class mail, postage prepaid at the addresses set forth below

U. S Army Corps of Engineers Wanamaker Bldg 100 Penn Square East Philadelphia, PA 19107-3390

Natural Resources Conservation Service Union County 216 Spring Run Road Mill Hall, PA 17751-9579

Natural Resources Conservation Service Northumberland County 441 Plum Creek Road Sunbury, PA 17801-9220

NOAA, N/NGS12 National Geodetic Survey SSMC-3, #9202 1315 East-West Highway Silver Spring, MD 20910-3282

U S. Fish and Wildlife Service – Region 5 300 West Gate Center Drive Hadley, MA 01035-9589

U.S. Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103

U.S. National Park Service Northeast Region U S Custom House 200 Chestnut Street, Fifth Floor Philadelphia, PA 19106

Union County Government Center Preston Bopp – Chairman Commissioner 155 N 15<sup>th</sup> Street Lewisburg, PA 17837 PA Department of Transportation Bureau of Rail Freight, Ports & Waterways P O. Box 2777 Harrisburg, PA 17105

PA Historical & Museum Commission Bureau for Historic Preservation 300 North Street Harrisburg, PA 17120

PA Department of Environmental Protection Water Planning Office (Costal Zone Mgmt) P.O. Box 2063 400 Market Street, 15<sup>th</sup> Floor Harrisburg, PA 17105-2063

Natural Resources Conservation Service USDA 1 Credit Union Place, Stc. 340 Wildwood Center Harrisburg, PA 17110

Board of Commissioners Northumberland County Samuel Deitrick, Chairman Sunbury, PA 17801

Union County Planning Commission Shawn McLaughlin, AICP-Planning Dir. Union County Government Center 155 N. 15<sup>th</sup> Street Lewisburg, PA 17837

PA Department of Environmental Protection Water Planning Office (Costal Zone Mgmt) P.O. Box 2063 400 Market Street, 15<sup>th</sup> Floor Harrisburg, PA 17105-2063 Lewisburg Area Recreation Authority Attn. Angela Zimmerman 629 Fairground Road Lewisburg, PA 17837

Kichard R. Wilson, Esq.

## Before the SURFACE TRANSPORTATION BOARD

#### DOCKET NO. AB-1017X

## WEST SHORE RAILROAD CORPORATION - ABANDONMENT EXEMPTION - MIFFLINBURG BRANCH, UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

and

#### **DOCKET NO. AB- 1018X**

UNION COUNTY INDUSTRIAL RAILROAD COMPANY –
DISCONTINUANCE OF SERVICE EXEMPTION –
MIFFLINBURG BRANCH IN
UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

#### JOINT ENVIRONMENTAL REPORT

RICHARD R. WILSON, ESQ. Counsel for West Shore Railroad Corporation and Union County Industrial Railroad Company

RICHARD R WILSON, P C 127 Lexington Avenue Suite 100 Altoona, PA 16601 (814) 944-5302 (814) 944-6978 FAX

February 6, 2008

## Before the SURFACE TRANSPORTATION BOARD

#### **DOCKET NO. AB-1017X**

### WEST SHORE RAILROAD CORPORATION - ABANDONMENT EXEMPTION – MIFFLINBURG BRANCH, UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

#### and

#### DOCKET NO. AB- 1018X

# UNION COUNTY INDUSTRIAL RAILROAD COMPANY — DISCONTINUANCE OF SERVICE EXEMPTION — MIFFLINBURG BRANCH IN UNION AND NORTHUMBERLAND COUNTIES, PENNSYLVANIA

#### JOINT ENVIRONMENTAL REPORT

West Shore Railroad Corporation ("West Shore") and Union County Industrial Railroad ("Union County") file this Joint Environmental Report pursuant to the Board's regulations at 49 C.F R. §1105.7. This Joint Environmental Report is for West Shore's abandonment of the Mifflinburg branch between Montandon, Pennsylvania and Mifflinburg, Pennsylvania in Northumberland and Union Counties, Pennsylvania and for Union County's discontinuance of service between Lewisburg and Mifflinburg, PA on the same branch line. A map showing this line is attached to this Joint Environmental Report (Appendix A). In accordance with the aforesaid regulations and based on written responses received from governmental agencies set forth in Appendix C, West Shore and Union County make the following responses.

The following information is provided in accordance with 49 C F R §1105(7)(e)

#### 1. <u>Alternatives.</u>

Have alternatives to the proposed action (e.g., no action or partial approval) been considered? If so, summarize the major environmental impacts associated with each alternative.

In view of the fact that there has been no overhead traffic and no local traffic on the rail line for over two years, applicants believe there are no alternatives to abandonment and discontinuance of service. West Shore is owned by a group of local private investors who will continue to own other rail line segments along the west bank of the Susquehanna River in the vicinity of Lewisburg and West Milton, Pennsylvania where an interchange connection also exists between West Milton and the Norfolk Southern Harrisburg/Buffalo Line at Milton, PA. West Shore Railroad Corporation is a non-operating common carrier and service on its lines are provided under contract and STB operating authority by Union County Industrial Railroad. Union County Industrial Railroad will continue to provide rail operations on the remaining West Shore lines and interchange services with Norfolk Southern at Milton, PA Union County has provided no rail service on the Mifflinburg branch for over two years and there is no prospect of any rail shipments originating or terminating on the branch in the foreseeable future Given the absence of any traffic or freight revenues, applicants believe that there is no prospect for successful rail operation and that abandonment and conveyance of the line to Lewisburg Area Recreation Authority ("LARA") for recreational trail use is the only appropriate disposition of this branch line

#### 2. <u>Transportation Systems</u>

a. Will existing regional or local transportation systems or patterns be substantially affected? If so, describe the effect

Answer There will be no affect on regional or local transportation systems as a result of this transaction.

b. Will traffic (passenger or freight) be diverted to other transportation modes or systems? If so, quantify the extent of the expected diversion.

Answer: There is no passenger or freight traffic on the line and no diversions will occur. Traffic formerly transported on the line was diverted many years ago to alternative modes without adverse effect on regional or local transportation systems.

#### 3. Land Use

a. Is the proposed action consistent with regional and/or local land use plans (local and/or regional planning agencies should be consulted in this regard)? If not, describe any inconsistency.

Answer: As indicated by the December 18, 2007 letter from the Union County

Planning Commission, the proposed action is not inconsistent with regional or local land use plans and conversion of the railroad right of way to recreational trail use by the

LARA is broadly supported throughout the Lewisburg/Mifflinburg area

b Is a designated coastal zone management area involved?

Answer: As indicated by the December 21, 2007 letter from the Pa. Department of Environmental Protection, the line does not fall within a designated coastal zone management area.

c Are designated wet lands or 100 year flood plains affected? If so, describe the effects.

Answer: It is believed that no designated wetlands or 100 year flood plains will be affected by this abandonment

d Are prime agricultural lands, as designated by the Soil Conservation Service, affected? If so, describe the effects.

Answer: As set forth in the January 15, 2008 letter from the National Resource Conservation Service, no prime agricultural land will be affected by the discontinuance of rail service and the proposed conversion of the right of way to recreational trail use

#### 4 Energy.

a Will the development or transportation of energy resources be affected? If so, describe the effects.

Answer: The development or transportation of energy resources will not be affected by the proposed action inasmuch as the rail line has been out of service for over two years and was not utilized for the transportation of grain or other energy resources

b. Will the movement and/or recovery of recyclable commodities be affected? If so, describe the effects

Answer: The abandonment and discontinuance of service will have no affect on the movement and/or recovery of recyclable commodities since there has been no traffic on this line for over two years and it was not previously used for the movement of those commodities.

c Will the proposed action cause diversion of traffic from rail to motor carriers in excess of (a) 1,000 rail carloads per year; or (b) the average of 50 rail carloads per year for all or any part of an affected rail line?

Answer: The proposed abandonment will not cause any diversion from rail to motor carrier masmuch as any diversion occurred over two years ago.

#### 5. <u>Air</u>

Will the proposed action result in (1) a minimum increase in rail traffic of 50% or three trains per day on an affected rail line, (2) an increase in rail yard activity of 20% as measured in carload activity, or (3) an increase in motor vehicle traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10% of the average daily traffic on a given highway segment?

Answer. No

#### 6 Noise

If any of the thresholds identified in Item (5) are surpassed, will the proposed action cause an increase in noise levels exceeding either (1) a four decibel increase or (2) a 65 decibel increase.

Answer: The above thresholds will be not be exceeded.

#### 7. Safety.

Will public health or safety (including vehicle delay time at railroad grade crossings) be affected'

Answer: There will be no affect on public health or safety including grade crossing delay times as a result of the proposed abandonment. Public health and safety will be enhanced by the subsequent development and use of the Mifflinburg branch for recreational trail purposes.

#### 8 Wildlife.

a Will endangered or threatened species be affected or will the critical habitats be destroyed or modified?

Answer As indicated by the January 17, 2008 letter from the United States Fish and Wildlife Service, no destruction or modification of critical habitats or affect on

endangered or threatened species will be occasioned by this transaction or by rail salvage operations

b. Will wildlife sanctuaries or refuges, national or state parks or forests be affected?

Answer. No wildlife sanctuaries or refuges, national or state parks or forests will be affected by the abandonment.

#### 9 Water

Is the proposed action consistent with applicable federal, state a and/or local water quality standards?

Answer: No action inconsistent with federal, state and/or local water quality standards is contemplated.

b. Will permits under Section 403 of the Federal Water Pollution Control Act be required?

Answer No permits under Section 403 will be required.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: Kukaad R. Wilson. Esq

RICHARD R. WILSON, P.C. 127 Lexington Avenue Altoona, PA 16601 (814) 944-5302

# Live Search Maps



ONEHALF INCH = I MILE

Attorney at Law
A Professional Corporation
127 Lexington Avenue, Suite 100
Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX rrwilson@atlanticbbn.net – Email www.rrwilsonesq.com - Website

2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

Vuono & Grav LLC

Of Counsel to:

851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Natural Resources Conservation Service USDA 1 Credit Union Place, Ste. 340 Wildwood Center Harrisburg, PA 17110

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

#### Dear Sirs:

Please be advised that West Shore Railroad Corporation is preparing to abandon its Mifflinburg Branch between Mifflinburg and Montandon, Pennsylvania. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In addition, Union County Industrial Railroad Corporation will be filing for authorization to discontinue railroad service on the branch. In connection with these proceedings, federal regulations at 49 C.F.R.§1105.11(c) require the railroads to consult with various agencies and obtain information required for preparation of an environmental and historical reports. We have enclosed draft Environmental and Historic Reports for your review and comment. In this connection, would you please respond to us with written comments pertaining to the matters addressed in these reports which fall within the jurisdiction of your agency.

Natural Resources Conservation Service December 12, 2008 Page 2

comments to the SEA (with a copy to the undersigned attorney) would be appreciated within three weeks from the date of this letter.

Thank you for your participation in this process.

Very truly yours,

RICHARD R WILSON, PC.

Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

County Industrial Railroad Company

Prichard R. Wilson / but

RRW/bab **Enclosures** 

West Shore Railroad - Eric Winslow XC:

Union County Industrial Railroad

Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX <u>rrwilson@atlanticbbn net</u> – Email <u>www.rrwilsonesq.com</u> - Website

851 Twelfth Street Oakmont, PA 15139 Of Counsel to: Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

December 12, 2007

U.S. Army Corps of Engineers Office Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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U.S. Army Corps. of Engineers Office December 12, 2008 Page 2

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RICHARD R.WILSON, PC

Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

Tichard C. Witon Kuch

County Industrial Railroad Company

RRW/bab Enclosures

xc: West Shore Railroad – Eric Winslow

Union County Industrial Railroad

Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX rrwilson@atlanticbbn net – Email www.rrwilsonesq.com - Website Of Counsel to: Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Natural Resources Conservation Service Northumberland County Sunbury Service Center 441 Plum Creek Road Sunbury, PA 17801-9220

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Natural Resources Conservation Service December 12, 2008 Page 2

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RICHARD R.WILSON, PC

Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

tichad R. Wilson/bob

County Industrial Railroad Company

RRW/bah

Enclosures

xc. West Shore Railroad ~ Eric Winslow Union County Industrial Railroad

Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX rrwilson@atlanticbbn.net – Email www.rrwilsonesg.com - Website Of Counsel to: Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

851 Twelfth Street Oakmont, PA 15139

December 12, 2007

U.S. Fish and Wildlife Service 300 West Gate Center Drive Hadley, MA 01035-9589

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Please be advised that West Shore Railroad Corporation is preparing to abandon its Mifflinburg Branch between Mifflinburg and Montandon, Pennsylvania. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In addition, Union County Industrial Railroad Corporation will be filing for authorization to discontinue railroad service on the branch. In connection with these proceedings, federal regulations at 49 C.F. R.§1105.11(c) require the railroads to consult with various agencies and obtain information required for preparation of an environmental and historical reports. We have enclosed draft Environmental and Historic Reports for your review and comment. In this connection, would you please respond to us with written comments pertaining to the matters addressed in these reports which fall within the jurisdiction of your agency.

U.S. Fish and Wildlife Service December 12, 2008 Page 2

comments to the SEA (with a copy to the undersigned attorney) would be appreciated within three weeks from the date of this letter

Thank you for your participation in this process.

Very truly yours,

RICHARD R WILSON, PC.

Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

Richard & Wilson/bab

County Industrial Railroad Company

RRW/bab Enclosures

xc West Shore Railroad – Eric Winslow Union County Industrial Railroad

Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona. PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX <u>rrwilson@atlanticbbn net</u> – Email www.rrwilsonesq.com - Website Of Counsel to Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

851 Twelfth Street Oakmont, PA 15139

December 12, 2007

U.S. Environmental Protection Agency 1650 Arch Street Philadelphia, PA 19103

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment
Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket
No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service
Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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U.S. Environmental Protection Agency December 12, 2008 Page 2

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851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Pennsylvania Department of Environmental Protection Water Planning Office (Costal Zone Management) P.O. Box 2063 400 Market Street, 15<sup>th</sup> Floor Harrisburg, PA 17105-2063

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Pennsylvania Department of Environmental Protection December 12, 2008 Page 2

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Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

Richard R Wilson/bab

County Industrial Railroad Company

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851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Natural Resources Conservation Service USDA 1 Credit Union Place, Ste. 340 Wildwood Center Harrisburg, PA 17110

Re. Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Natural Resources Conservation Service December 12, 2008 Page 2

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RICHARD R.WILSON, PC

Richard R. Wilson, Esq.

Attorney for West Shore Railroad and Union

Richard & Welson/bab

County Industrial Railroad Company

RRW/bab Enclosures

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Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona, PA 16601

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851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Northumberland County Board Commissioners Sunbury, PA 17801

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Northumberland County Board Commissioners December 12, 2008 Page 2

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Thank you for your participation in this process.

Very truly yours,

RICHARD R.WILSON, P.C.

Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

Richard R. Wilson/bob

County Industrial Railroad Company

RRW/bab Enclosures

xc West Shore Railroad - Eric Winslow Union County Industrial Railroad

Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX rrwilson@atlanticbbn.net – Email www.rrwilsonesq.com - Website Of Counsel to: Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Union County Planning Commission
Union County Government Center
Shawn McLaughlin, AICP – Planning Director
155 N. 15<sup>th</sup> St
Lewisburg, PA 17837

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Union County Planning Commission December 12, 2008 Page 2

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Thank you for your participation in this process.

Very truly yours,

RICHARD R. WILSON, PC

Richard R Wilson, Esq

Attorney for West Shore Railroad and Union

Kickard R. W. For / Kab

County Industrial Railroad Company

RRW/bab Enclosures

xc West Shore Railroad - Eric Winslow

Union County Industrial Railroad

Attorney at Law A Professional Corporation 127 Lexington Avenue, Suite 100 Altoona, PA 16601

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851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Union County Government Center Preston Bopp – Chairman Commissioner 155 N. 15<sup>th</sup> Street Lewisburg, PA 17837

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Union County Government Center December 12, 2008 Page 2

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Very truly yours,

RICHARD R. WILSON, PC

Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

Richard R. Wilson/bub

County Industrial Railroad Company

RRW/bab Enclosures

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851 Twelfth Street Oakmont, PA 15139

December 12, 2007

NOAA, N/NGS12 National Geodetic Survey SSMC-3, #9202 1315 East-West Highway Silver Spring, MD 20910-3282

Rc: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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National Geodetic Survey December 12, 2008 Page 2

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Richard R. Wilson, Esq.

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Richard R Wilson/bab

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xc. West Shore Railroad - Eric Winslow

Union County Industrial Railroad

Attorney at Law
A Professional Corporation
127 Lexington Avenue, Suite 100
Altoona, PA 16601

(814) 944-5302 888-454-3817 (Toll Free) (814) 944-6978 FAX rrwilson@atlanticbbn.net – Email www.rrwilsonesq.com - Website Of Counsel to Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

851 Twelfth Street Oakmont, PA 15139

December 12, 2007

U.S. National Park Service U.S. Custom House 200 Chestnut St., Fifth Floor Philadelphia, PA 19106

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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U.S. National Park Service December 12, 2008 Page 2

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851 Twelfth Street Oakmont, PA 15139 Of Counsel to: Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

December 12, 2007

Pennsylvania Department of Transportation Bureau of Rail Freight, Ports and Waterways P.O. Box 2777 Harrisburg, PA 17105

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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Pennsylvania Department of Transportation December 12, 2008 Page 2

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851 Twelfth Street Oakmont, PA 15139

December 12, 2007

Pennsylvania Historical and Museum Commission Bureau for Historic Preservation 300 North Street Harrisburg, PA 17120

Re: Docket No. AB1017X West Shore Railroad Corporation-Abandonment Exemption-Mifflinburg Branch Union and Northumberland Counties, Pennsylvania and Docket No. AB-1018X- Union County Industrial Railroad Company Discontinuance of Service Exemption-Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania

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851 Twelfth Street Oakmont, PA 15139 Of Counsel to: Vuono & Gray LLC 2310 Grant Building Pittsburgh, PA 15219 (412) 471-1800 (412) 471-4477 FAX

December 12, 2007

U.S. Environmental Protection Agency 1650 Arch Street Philadelphia, PA 19103

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Pennsylvania Department of Environmental Protection December 12, 2008 Page 2

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Very truly yours,

RICHARD R.WILSON, PC

Richard R Wilson, Esq.

Attorney for West Shore Railroad and Union

Richard R. Wilson forb

County Industrial Railroad Company

RRW/bab Enclosures

vc West Shore Railroad - Eric Winslow Union County Industrial Railroad

Union County Government Center • 155 North 15th Street Lewisburg, Pennsylvania 17837-8822

Telephone (570) 524-3840 Fax (570) 524-3850

December 18, 2007

Richard R. Wilson, P.C. Attorney at Law 127 Lexington Avenue, Suite 100 Altoona, PA 16601

## RE: Docket No. AB-1017X West Shore Railroad and Docket No. AB-1018X Union County Industrial Railroad Company

Dear Attorney Wilson

Our office is in receipt of your letter dated December 12<sup>th</sup>, 2007 regarding the intent by West Shore Railroad to abandon its Mifflinburg Branch between Mifflinburg and Montandon, Pennsylvania and the planned discontinuance of service by the Union County Industrial Railroad on this same branch. As per your request I reviewed the Joint Environmental and Joint Historical Reports for the above referenced dockets for misleading, incorrect, and missing information and have no comments

As you might be aware the Union County Planning Commission worked with the West Shore Railroad to complete a rail trail feasibility study in 2003 and 2004. Given the lack of rail traffic over the last several years, the condition of the existing railroad infrastructure, and the absence of demand for future rail freight service, the Planning Commission supports the conversion of this railroad line for trail use under the appropriate state and federal legislation authorizing the same. The preservation of this corridor is a priority for our community.

Thank you for the opportunity to review and comment on the reports and please do not hesitate to contact me if you have any questions or to discuss this mater further

1/

Shawn R McLaughlin, AICP

Planning Director

cc: File



#### Pennsylvania Department of Environmental Protection

# P.O. Box 2063 Harrisburg, PA 17105-2063 December 21, 2007

Water Planning Office

717-772-5622

Richard R. Wilson, P.C. Attorney at Law 127 Lexington Avenue, Suite 100 Altoona, PA 16601

Re:

DEP File No. CZ7:FPL

Dear Mr. Wilson:

On December 18, 2007, the Pennsylvania Coastal Resources Management (CRM) Program received information on the following two proposed railroad actions:

Docket No. AB-1017X, West Shore Railroad Corporation – Abandonment Exemption – Mifflinburg Branch Union and Northumberland Counties, Pennsylvania, and

Docket No. AB-1018X, Union County Industrial Railway Company- Discontinuance of Service Exemption – Mifflinburg Branch in Union and Northumberland Counties, Pennsylvania.

These actions were sent for our federal consistency review as required under 15 CFR Part 930 Subpart D - Consistency for Federally Licensed and Permit Activities. We have determined that the above actions are located outside of Pennsylvania's Coastal Zones, and will not impact upon them. Therefore, these actions are consistent with Pennsylvania's CRM Program.

In conclusion, please note that this determination pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection's review or other Departmental permits.

Sincerely,

Lawrence J. Toth .

Environmental Planner

Coastal Resources Management Program



### United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

January 17, 2008

Richard Wilson Attorney at Law 127 Lexington Avenue, Suite 100 Altoona, PA 16601

RE: USFWS Project #2008-0489

Dear Mr. Wilson:

This responds to your letter of December 12, 2007, requesting information about federally listed and proposed endangered and threatened species within the area affected by the proposed Mifflinburg branch railroad abandonment located in Union and Northumberland Counties, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat 884, as amended; 16 U.S.C 1531 et seq.) to ensure the protection of endangered and threatened species.

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, based on currently available information, no biological assessment or further consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

Please note that a field survey may reveal previously undocumented populations of one or more species of concern within a project area. Refer to the enclosed list of Federally Listed, Proposed, and Candidate Species in Pennsylvania to determine which species may be found in your project area if suitable habitat is present. If surveys or further information reveals that a federally listed, proposed, or candidate species exists in your project area, contact the Fish and Wildlife Service immediately to discuss measures to avoid or minimize potential impacts to the species prior to initiating your project.

This determination is valid for one year from the date of this letter. If the proposed project has not been fully implemented prior to this, please access the PNDI Project Planning Environmental Review tool on the Pennsylvania Natural Heritage Program's website (<a href="www.naturalheritage.state.pa.us">www.naturalheritage.state.pa.us</a>) to screen this project for potential impacts to species of special concern, including federally listed and proposed species. If this project is considered a "large project" as defined on the subject website, submit the project directly to our office for review, rather than using the online screening tool.

This response relates only to endangered or threatened species under our jurisdiction, based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential

Service concerns under the Fish and Wildlife Coordination Act or other authorities.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

Please contact Pam Shellenberger of my staff at 814-234-4090 if you have any questions or require further assistance.

Sincerely,

**Enclosure** 

# Federally Listed, Proposed, and Candidate Species in Pennsylvania (revised August 15, 2007)

Common Name	Scientific Name	Status <sup>1</sup>	Distribution (Countles and/or Watersheds)
MAMMALS			
Indiana bat	Myotis sodalis	E	Hibernacula. Armstrong, Beaver, Blair, Centre, Fayette, Huntingdon, Lawrence, Luzerne, Mifflin and Somerset Co. Maternity sites. Bedford, Berks and Blair Counties Potential winter habitat state-wide in caves or abandoned mines. Potential summer habitat state-wide in forests or wooded areas.
BIRDS			Habitat data-wide in totodis of woodog albas.
Piping plover	Charadrius melodus	E	Designated critical habitat on Presque Isle (Erie Co.). Migratory. No nesting in PA since 1950s, but recent colonization attempts at Presque Isle
REPTILES			
Bog turtle	Clemmys (Glyptemys) muhlenbergii	Т	Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York Co.
			Historically found in Crawford, Mercer and Philadelphia Co.
Eastem massasauga rattlesnake	Sistrurus catenatus catenatus	С	Butter, Crawford, Mercer and Venango Co.
			Historically found in Allegheny and Lawrence Co.
MUSSELS			
Clubshell	Pleurobema clava	E	French Creek and Allegheny River (and some tributaries) in Armstrong, Clarion, Crawford, Erle, Forest, Mercer, Venango, and Warren Co.; Shenango River (Mercer and Crawford Co.)
			Has not been found recently in 13 streams of historical occurrence in Butler, Beaver, Fayette, Greene, Indiana, Lawrence, and Westmoreland Co.
	Alasmidonta heterodon	E	Delaware River (Pike and Wayne Co.).
			Has not been found recently in streams of historical occurrence in the Delaware River watershed (Bucks, Carbon, Chester, Philadelphia Co.) or Susquehanna River watershed (Lancaster Co.)
Northern riffleshell	Epioblasma torulosa rangiana	E	French Creek and Allegheny River (and some tributanes) in Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co.
			Has not been found recently in streams of historical occurrence, including: Shenango River (Lawrence Co.), Conewango Creek (Warren Co.)

Common Name	Scientific Name	Status1	Distribution (Counties and/or Watersheds)
MUSSELS (continued)			
Rayed bean	Villosa fabalis	С	French Creek and Allegheny River (Armstrong, Clarion, Crawford, Ene, Forest, Mercer, Venango, Warren Co.); Cussewago Creek (Crawford Co.).
			Has not been found recently in 5 streams of historical occurrence in Armstrong, Lawrence, Mercer and Warren Co.
Sheepnose	Plethobasus cyphyus	С	Allegheny River (Forest and Venango Co)
			Has not been found recently in streams of historical occurrence, including. Allegheny River (Amstrong Co.), Beaver River (Lawrence Co.), Ohio River (Allegheny and Beaver Co.), and Monongahela River (Washington Co.)
FISH			Tavor (Videningles Co.)
Shortnose sturgeon <sup>2</sup>	Acıpenser brevirostrum	E	Delaware River and other Atlantic coastal waters
PLANTS			
Northeastern bulrush	Scirpus ancistrochaetus	E	Adams, Bedford, Blair, Cambna, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Lackawanna, Lehigh, Lycoming, Mifflin, Monroe, Perry, Snyder, Tioga, and Union Co
~.			Histoncally found in Northampton Co
Small-whorled pogonia	Isotna medeoloides	٢	Centre, Chester and Venango Co.
			Historically found in Berks, Greene, Monroe, Montgomery and Philadelphia Co.

E = Endangered; T = Threatened; P = Proposed for listing, C = Candidate
Shortnose sturgeon is under the jurisdiction of the National Manne Fisheries Service

#### United States Department of Agriculture



Natural Resources Conservation Service One Credit Union Place, Suite 340 Harrisburg, PA 1700-2993

January 15, 2008

Mr Richard R. Wilson, P.C. A Professional Corporation 127 Lexington Ave, Suite 100 Altoona, PA 16601

Re West Shore Railroad Corp.
Union and Northumberland Counties, PA

As requested in a letter dated December 12, 2007, we have reviewed the project location for possible areas of concern to the USDA Natural Resources Conservation Service.

The project is entirely within the urban boundaries of an area that has been previously converted to non-agricultural uses, and no federally designated farmlands exist in the proposed project area.

As for any project involving earthmoving, both temporary and permanent erosion and sedimentation control practices should be planned, implemented and maintained. We recommend consultation with appropriate county conservation districts for review of erosion and sedimentation control plans and practices.

Contact me at (717) 237-2218; FAX (717) 237-2238; cmail:timothy emenheiser@pa.usda gov if you need more information

Tım Emenheiser

Resource Conservationist

Jim Emerheiser

cc. Kevin Blake, District Conservationist, Sunbury, PA

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#### **CERTIFICATE OF SERVICE**

Richard R. Wilson hereby certifies that on this 6<sup>th</sup> day of February, 2008 he did

serve a true and correct copy of the foregoing Environmental Report upon the following

by first class mail, postage prepaid at the addresses set forth below:

U S Army Corps. of Engineers Office Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

Natural Resources Conservation Service for Union County Mill Hall Service Center 216 Spring Run Road Mill Hall, PA 17751-9579

Natural Resources Conservation Service for Northumberland County Sunbury Service Center 441 Plum Creek Road Sunbury, PA 17801-9220

U S Fish & Wildlife Service – Region 5 300 West Gate Center Drive Hadley, MA 01035-9589

U S Environmental Protection Agency-Region 3 1650 Arch Street Philadelphia, PA 19103

U.S National Park Service Northeast Region U.S. Custom House 200 Chestnut St., Fifth Floor Philadelphia, PA 19106

PA Department of Transportation Bureau of Rail Freight, Ports & Waterways P.O Box 2777 Harrisburg, PA 17105 PA Historical & Museum Commission Bureau for Historic Preservation 300 North Street Harrisburg, PA 17120

PA Department of Environmental Protection 400 Market Street P.O. Box 2063 Harrisburg, PA 17105

PA Department of Environmental Protection Water Planning Office (Costal Zone Mgmt.) P.O. Box 2063 400 Market Street, 15<sup>th</sup> Floor Harrisburg, PA 17105-2063

Natural Resources Conservation Service USDA 1 Credit Union Place, Stc. 340 Wildwood Center Harrisburg, PA 17110

Board of Commissioners Northumberland County Samuel Deitrick, Chairman Sunbury, PA 17801

Union County Planning Commission Union County Government Center Shawn McLaughlin, AICP-Planning Dir. 155 N 15<sup>th</sup> Street Lewisburg, PA 17837 Union County Government Center Preston Bopp – Chairman Commissioner 155 N. 15<sup>th</sup> Street Lewisburg, PA 17837

Lewisburg Area Recreation Authority Attn. Angela Zimmerman 629 Fairground Road Lewisburg, PA 17837 NOAA, N/NGS12 National Geodetic Survey SSMC-3, #9202 1315 East-West Highway Silver Spring, MD 20910-3282

Richard R. Wilson, Esq.

#### APPENDIX C

#### **CERTIFICATE OF SERVICE**

Richard R. Wilson hereby certifies that on this 25 day of March, 2008 he did

serve a true and correct copy of the foregoing Joint Notice of Exemption upon the following

by first class mail, postage prepaid at the addresses set forth below:

U S Army Corps of Engineers Wanamaker Bldg. 100 Penn Square East Philadelphia, PA 19107-3390

Natural Resources Conservation Service Union County 216 Spring Run Road Mill Hall, PA 17751-9579

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U.S. National Park Service
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Union County Government Center
Preston Bopp – Chairman Commissioner
155 N 15<sup>th</sup> Street
Lewisburg, PA 17837

PA Department of Transportation Bureau of Rail Freight, Ports & Waterways P O Box 2777 Harrisburg, PA 17105

PA Historical & Museum Commission Bureau for Historic Preservation 300 North Street Harrisburg, PA 17120

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Natural Resources Conservation Service USDA 1 Credit Union Place, Ste. 340 Wildwood Center Harrisburg, PA 17110

Board of Commissioners Northumberland County Samuel Deitrick, Chairman Sunbury, PA 17801 Union County Planning Commission Shawn McLaughlin, AICP-Planning Dir Union County Government Center 155 N 15<sup>th</sup> Street Lewisburg, PA 17837

The Honorable Christopher P Carney 416 Cannon House Office Building Washington, DC 22515

Lewisburg Area Recreation Authority Attn. Angela Zimmerman 629 Fairground Road Lewisburg, PA 17837

Richard R. Wilson, Esq.